

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ING BANK, et al,

Case No. 09-50676

Plaintiffs,

District Judge George Caram Steeh

v.

Magistrate Judge R. Steven Whalen

THE PNC FINANCIAL SERVICES
GROUP, et al,

Defendants.

/

ORDER

For the reasons and under the terms stated on the record on June 22, 2009,

Plaintiffs' Emergency Motion to Compel Production of Documents Pursuant to a Fed. R. Civ. P. 45 Subpoena [Docket #1] is GRANTED IN PART AND DENIED IN PART.

(1) Non-party W.B. Doner & Associates ("Doner") shall conduct a search of the emails of James Ward, sent and received in the course of his employment with Doner, for the calendar years 2005 through 2007, using the following search terms:

Virtual Wallet
Orange Ball
Orange Balls
Orange
Powerlink

Within 14 days of the date of this Order, Doner shall produce to Plaintiff all of Mr. Ward's emails, during the designated time period, containing any of these search terms.

If no emails are found using these search terms, Doner shall provide a declaration to that effect to Plaintiff.

(2) Within 14 days of the date of this Order, Doner shall produce to Plaintiff the following:

- (a) the advertising tracking study that Mr. Baskin referred to in his deposition;
- (b) the Dynamic logic brand survey;
- (c) executable files and documents relating to the December focus group materials;

and

- (d) executable files and documents relating to the wallet world game.

(3) Doner shall produce James Ward for a deposition in the Eastern District of Michigan, at a time and location to be agreed upon by counsel for the parties and for Doner. The deposition shall not exceed three hours, beginning when Mr. Ward is sworn as a witness.

In all other respects, Plaintiffs' motion is DENIED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 22, 2009

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 22, 2009.

s/Gina Wilson

Judicial Assistant